

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

WILLIAM CUCCIA as parent and natural guardian
of WILLIAM CUCCIA, JR., and WILLIAM CUCCIA,
Individually,

Plaintiffs,

Index No. 1:03-CV-574

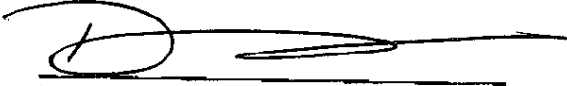
-against-

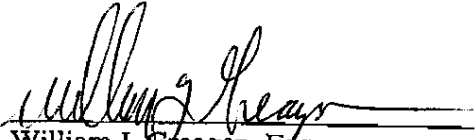
BRASS EAGLE, INC. and KMART CORPORATION,

Defendants

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record in the above entitled action, that whereas no party hereto is an infant or incompetent person for whom a committee has been appointed and no person not a party has an interest in the subject matter of the action, the above-entitled action be, and the same hereby is discontinued as against the defendant, upon the merits, with prejudice, without cost to any party as against any other. This stipulation may be filed without further notice with the Clerk of the Court.

DATED: Albany, New York
September 9, 2005


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SO ORDERED

9/16/05